



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 28 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael Johnson
Environmental Manager
Chemours Company — Fayetteville Works
22828 NC Highway 87 West
Fayetteville, North Carolina 28306-7332

SUBJ: Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection
Chemours Company — Fayetteville Works (EPA ID# NCD 047 368 642)

Dear Mr. Johnson:

On July 21, 2015 the U.S. Environmental Protection Agency performed a RCRA compliance evaluation inspection (CEI) at Chemours Company in Fayetteville, North Carolina, to determine the facility's compliance status with RCRA.

Enclosed is the EPA RCRA CEI report which indicates that apparent violations of RCRA were discovered. If you have any questions regarding the inspection, please contact Laurie Benton DiGaetano, of my staff, by phone at (404) 562-8948 or by email at benton-digaetano.laurie@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Lamberth".

Larry Lamberth
Chief, Hazardous Waste Enforcement and
Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure

cc: Ms. Jenny Patterson, NC DENR
Mr. Bobby Nelms, NC DENR

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Ms. Jenny Patterson
Eastern Region Compliance Supervisor
Hazardous Waste Section
Division of Waste Management
NC Dept. of Environment and Natural Resources
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

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Larry Lamberth
Chief, Hazardous Waste Enforcement and
Compliance Section
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Resource Conservation and Restoration Division

Enclosure

RCRA Inspection Report

1) Inspector and Author of Report

Laurie Benton DiGaetano, Environmental Engineer
Hazardous Waste Enforcement and Compliance Section
Resource Conservation and Restoration Division
U.S. Environmental Protection Agency (EPA), Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Phone: 404-562-8948

2) Facility Information

Chemours Company — Fayetteville Works
22828 NC Highway 87 West
Fayetteville, NC 28306-7332

EPA ID# NCD047368642

3) Responsible Officials

Michael Johnson, Environmental Manager

4) Inspection Participants

Michael Johnson, Chemours Company
Dianne Fields, Chemours Company
Danny Melvin, Chemours Company
Crystal Simmons, Chemours Company
Bobby Nelms, NC DENR
Laurie Benton DiGaetano, USEPA

5) Date of Inspection

July 21, 2015

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code — Annotated U.S.C.A. 6925 and 6927), Title 15A of the North Carolina Administrative Code (NCAC), Chapter 13; and 40 Code of Federal Regulation (C.F.R.), Parts 260 - 270, 273, 278, & 279.

7) **Purpose of Inspection**

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection (CEI) to determine Chemours Company's compliance with the applicable requirements of RCRA the corresponding NC DENR regulations.

8) **Facility Description**

The Chemours Company (Chemours) was established in February of 2015 as a wholly owned subsidiary of E.I. du Pont de Nemours and Company (DuPont), and it became an independent company on July 1, 2015. Launched from the DuPont performance chemicals business, Chemours manufactures and sells products falling within three segments: Titanium Technologies (titanium dioxide); Fluoroproducts (refrigerants and industrial fluoropolymer resins and derivatives including Freon, Teflon and Viton); and Chemical Solutions (cyanide, sulfuric acid, aniline, methylamines, and reactive metals). Chemours has thousands of employees around the world and operates 37 production facilities located in 12 countries.

The subject facility is a portion of the former 2,200-acre site formerly owned and operated by DuPont in Fayetteville, North Carolina. Chemours now owns the entire property, but the site has been divided into four distinct operating facilities. DuPont's RCRA EPA ID# and Hazardous Waste Management Permit NCD047368642, Title V Air Quality Permit 03735T38, and NPDES Wastewater Discharge Permit NC0003573 were all transferred to the Chemours. The new company operates the subject facility as a large quantity generator (LQG) of hazardous waste with a RCRA Part B permit for certain treatment and storage of hazardous generated on-site. DuPont is now leasing one of the three new facilities at the site in order to continue polyvinyl fluoride resin manufacturing activities. This new DuPont facility is operating as a small quantity generator (SQG) of hazardous waste, and has applied for a new EPA ID#. Kuraray Americas (Kuraray) is leasing the remaining two facilities here. Kuraray manufactures Sentryglas at one of these facilities and Butacite at the other. The new Kuraray facilities are operating as a non-handler and as a conditionally exempt small quantity generator (CESQG) of hazardous waste. The new DuPont and Kuraray Americas facilities are not included as part of this CEI.

The Chemours operates the subject facility under the NAICS code 325998 for All Other Miscellaneous Chemical Product and Preparation Manufacturing, with approximately 264 employees at this location. The most recent hazardous waste notification form, which was received on 07/14/2015, identified the facility as an LQG and TSD managing the following hazardous wastes: D001 ignitable waste, D002 corrosive waste, D003 reactive waste, D004 (arsenic), D005 (barium), D006 (cadmium), D007 (chromium), D008 (lead), D009 (mercury), D010 (selenium), D011 (silver), D018 (benzene), D019 (carbon tetrachloride), D021 (chlorobenzene), D022 (chloroform), D027 (1,4-dichlorobenzene), D028 (1,2-dichloroethane), D029 (1,1-dichloroethylene), D030 (2,4-dinitrotoluene),

D032 (hexachlorobenzene), D033 (hexachlorobutadiene), D034 (hexachloroethane), D035 (methyl ethyl ketone), D036 (nitrobenzene), D037 (pentachlorophenol), D039 (tetrachloroethylene), D040 (trichloroethylene), F002 (certain spent halogenated solvents), F003 (certain spent non-halogenated solvents), and F005 (certain spent nonhalogenated solvents).

9) **Previous Inspection History**

For nearly 30 years, NC DENR has conducted routine CEIs of the former DuPont facility about once every year, and very few violations have been noted. The only violation cited at the former DuPont facility during the past 10 years is a container management violation noted in 2009. Although the subject facility is now owned and operated by Chemours, many of the former DuPont personnel with hazardous waste management responsibilities have remained on-site, and they are performing the same hazardous waste management duties now as Chemours personnel. NC DENR's most recent RCRA CEI was conducted at the former DuPont facility on 09/10/2014, and no apparent RCRA violations were noted.

10) **Findings**

On 07/21/2015, Laurie Benton DiGaetano, EPA, and Bobby Nelms, NC DENR, arrived at Chemours Company at approximately 10:00 a.m. Mr. Michael Johnson, Environmental Manager, immediately received the inspectors. The inspectors introduced themselves, showed their credentials, and explained the purpose of the visit. Mr. Johnson answered questions and took the inspectors on a tour of the Facility operation.

Nafion Unit: The facility tour began in area of the Nafion Unit, and inspection participants observed a less than 90-day hazardous waste storage tank containing D001 flammable liquid (toluene, acetonitrile, tetraline). This tank holds just over 4,500 gallons, and it is pumped out about once every two months. The tank was properly labeled, and dated 06/19/2015. In addition to the hazardous waste label, the tank was marked with the words "waste toxic by inhalation hazard flammable (fluorocarbons, acid fluorides, and hydrocarbons) inhalation hazard." The tank was positioned within a bermed concrete secondary containment unit that appeared to be free of cracks and did not contain any free liquids. Inspectors observed the presence of a fire extinguisher, an emergency shower and an eyewash station near this area. Mr. Johnson explained that employees working in this area carry a hand-held radio, and the on-site Fire Brigade would be summoned to respond in the event of an emergency.

Next, the inspection participants visited the less than 90-day hazardous waste DES tank. Waste fluorocarbon hazardous waste is accumulated in this 86-gallon tank before it is pumped into the 6,000-gallon on-site hazardous waste storage tank. The tank

appeared to be properly labeled and dated. It was positioned within a bermed concrete secondary containment unit that appeared to be free of cracks and liquids.

Polymer less than 90-day hazardous waste container storage area: Six 55-gallon drums were observed in the less than 90-day hazardous waste container storage area located in a small covered area. Two of the drums were identified as hazardous waste storage drums. One was equipped with a latched funnel, dated 06/11/2015, and labeled "hazardous waste vent port juice (WFN 117)." The other was equipped with a latched drum lid, dated 05/05/2015, and labeled "hazardous waste spent filter cartridges (WFN 005)." The remaining four drums were marked as nonhazardous waste: WFN 017B, waste polymer purge WFN017, waste screen packs, and poly solution drum CR/SR solution. Each of the drums were situated on an individual secondary containment pallet and the inspection participants observed an emergency shower and eyewash station nearby. However, no emergency communication system or spill kit could be readily located in this area. Mr. Johnson explained that employees working in this area carry a hand-held radio, and the on-site Fire Brigade would be summoned to respond in the event of an emergency. A storm grate was observed on the pavement within a few feet of the hazardous waste storage area. Mr. Johnson stated that this drain leads directly to the Cape Fear River. The inspectors voiced concerns about the apparent lack of additional immediate response equipment to prevent hazardous waste from reaching the storm grate and entering the river in the event of a spill.

Waste Fluorocarbon Tanks: Next, the participants inspected the 1,100-gallon waste fluorocarbon storage tank and reactor tank. These tanks appeared to be properly labeled, and they were positioned within bermed concrete secondary containment that appeared to be free of cracks and liquids. Inspectors observed yellow tags used to identify flanges and valves subject to RCRA Subpart BB monitoring and inspection. Mr. Johnson explained that Chemours uses a contractor, TEAM, to conduct the monitoring and inspection activities. The facility as a whole has over 700 monitoring points, and the inspection takes a full day to complete.

Nafion Manufacturing QA/QC Laboratory: Chemours generates small volumes of hazardous waste (WFN 174) at workstations within the QA/QC laboratory. The very small SAA containers are emptied into a one-gallon glass jar, which is kept within a secondary containment box inside a cabinet beneath one of the laboratory hoods. At the time of the inspection, this container was being managed as a less than 90-day hazardous waste storage area container. It was properly closed, labeled, and dated (07/13/2015). The inspectors noted that Chemours may be able to manage this container as a SAA container, if they can meet the conditions set forth for satellite accumulation within a laboratory setting.

Universal Hazardous Waste (UHW) Storage Area: The inspection participants observed a container for accumulating used batteries and another for accumulating used lamps in the designated UHW storage area. The containers were both properly closed, labeled, and

dated 10/03/2014. Procedures for placing bulbs inside cardboard boxes within the 55-gallon container were clearly posted on the wall behind the drum. However, several of the bulbs observed inside the container were not placed inside a cardboard box as specified in the posted procedures. The inspection participants agreed that these bulbs should be protected for transport prior to sending the container off-site.

Permitted Container Storage Area: The permitted hazardous waste container storage area was clearly divided into eight distinct rows for segregating and storing waste containers. Row #1 was identified for uncharacterized waste and lab packs; row #2 was identified for uncharacterized waste; row #3 was identified for hazardous waste (WFN009); row #s 4-7 were all identified for hazardous waste; and row #8 was identified for nonhazardous waste. At the time of the inspection, all of the 55-gallon drum containers observed in this area were properly closed, labeled, dated, and in good condition. Each 55-gallon drum was covered with a plastic wrap, which was secured with an elastic band, and the drums were all stored on wooden pallets. Inspectors observed a fire extinguisher and an emergency shower and eyewash station in this area. The secondary containment unit was curbed and appeared to be free of cracks and free liquids.

In the first row, inspectors observed four lab packs, two approximately one foot high wooden boxes holding small containers of waste, and one wooden pallet holding four 55-gallon drums. The four lab packs were all properly closed, labeled, and dated 04/10/2015. The first wooden box held a plastic bin with two 1-quart containers of hazardous waste (WFN 121B), which were properly closed, labeled, and dated 04/23/2015. The second wooden box held three 1-gallon containers of methylene chloride, which were not labeled as "hazardous waste" and not dated; one 5-gallon container of hazardous waste (WFN 174), dated 05/29/2015; one 5-gallon container of Nafion laboratory waste, dated 02/13/2015; and one 5-gallon container of fluorocarbon/hydrocarbon waste, dated 04/11/2015. The wooden pallet held four 55-gallon containers of WFN-pending analysis lead paint chips, all dated 01/30/2015.

Chemours Company was in apparent violation of 15A NCAC 13A.0012(e) / 40 C.F.R. § 268.50(a)(2)(i) and Permit Condition Part III by failing to mark each container of hazardous waste with the date upon which each period of accumulation begins and failing to clearly mark or label each container to identify its contents and the date each period of accumulation begins.

In the second row, inspectors observed five 55-gallon drums of KOH flush pending analysis, which were all dated 06/04/2015; one 55-gallon drum of KOH flush pending analysis, which was dated 07/14/2015; three 55-gallon drums of truck pad resurfacing pending analysis, which were all dated 05/07/2015; and one 55-gallon drum of spent oil, dried paints, used material, which was dated 03/31/2015.

In the third row, inspectors observed seven 55-gallon drums of hazardous waste (WFN 009). The drums were dated 07/11/2015, 07/13/2015, 07/15/2015, 07/16/2015, 07/16/2015, 07/17/2015, and 07/19/2015.

In the fourth row, inspectors observed one 55-gallon drum of hazardous waste (WFN 005), which was dated 07/20/2015.

The fifth row was empty.

In the sixth row, inspectors observed eight 55-gallon drums of hazardous waste (WFN 215A) and four 55-gallon drums of hazardous waste (WFN 112).

In the seventh row, inspectors observed one 55-gallon drum of nonhazardous used oil (WFN 328); two 55-gallon drums of nonhazardous oil waste (WFN 111); one 55-gallon drum of nonhazardous waste (WFN 329); one 55-gallon drum of nonhazardous waste (WFN 150A); one 55-gallon drum of nonhazardous waste (WFN 022); two 55-gallon drums of hazardous waste (WFN 214), both dated 06/11/2015, and one 55-gallon drum of hazardous waste (WFN 144A), dated 04/29/2015.

Flammable Storage Shelter: Four 55-gallon drums of hazardous waste (WFN 210) were observed in the flammable storage shelter. These drums were dated 06/13/2015, 06/20/2015, 06/30/2015, and 07/15/2015. They were also properly closed, labeled, and stored on wooden pallets. Although the drums are stored near the edge of the concrete pad on the high end of the secondary containment. The pad is sloped to divert any liquids to the bermed, low end of the secondary containment.

Records Review: The records reviewed include hazardous waste manifests, land disposal restriction (LDRs) certificates, biennial reports, hazardous waste training, inspection records, and the contingency plan.

The inspectors reviewed records for inspections conducted during 2015. Records for inspections of the waste fluorocarbon tanks included a checklist to document any observed corrosion or releases of waste, cracks or gaps in the secondary containment, signs of releases from the secondary containment, and the integrity of ancillary equipment such as piping, flanges, joints, valves and connections. Records for inspections of the flammable storage shelter included a checklist to document any observed leaking containers, open containers, missing labels or dates, or deterioration of containers. According to the records, inspections are conducted at least every seven days, and they are routinely conducted more frequently. Inspectors also reviewed the inspection records for Subpart BB inspections. Although no violations were observed during the review, inspectors recommended that the facility improve the record-keeping organization format.

Inspectors reviewed the following hazardous waste manifests for shipments of D018, D028 hazardous waste liquid (ammonium fluoride, benzene, 1,2-dichloroethane) sent to

Heritage Environmental (OHD 980 613 541): number 005294056FLE for 40,260 pounds shipped on 03/30/2015; number 005294055FLE for 35,420 pounds shipped on 03/25/2015; number 005294052FLE for 37,940 pounds shipped on 03/15/2015; number 005294051FLE for 38,960 pounds shipped on 03/17/2015; number 005294050FLE for 36,800 pounds shipped on 03/08/2015; number 005294048FLE for 23,880 pounds shipped on 03/04/2015; number 005294047FLE for 36,320 pounds shipped on 03/03/2015; and number 005294046FLE for 42,440 pounds shipped on 03/01/2015. Inspectors also reviewed the following hazardous waste manifests for shipments of the same waste stream sent to Clean Harbors (ARD 069 748 192): number 005294054FLE for 38,120 pounds shipped on 03/21/2015; and number 005294053FLE for 37,720 pounds shipped on 03/17/2015. Inspectors reviewed hazardous waste manifest number 005294049FLE for a shipment of 859 pounds of D002, D003, D007 hazardous waste solid (hydrofluoric acid and trichlorotrifluoroethane); 11,247 pounds of D003 hazardous waste solid (molecular sieves – sodium aluminosilicate); 315 pounds of D029 waste toxic liquid, organic (dichloromethane); 972 pounds of D002, D003, D007, F002 waste corrosive liquid toxic (trichlorotrifluoroethane and acid fluorides); 1,492 pounds of D007 hazardous waste solid (chromium); 109 pounds of D001 hazardous waste flammable liquid (acetonitrile and hexafluoroacetone as hydrate); 670 pounds of D001, D002 waste flammable liquid corrosive (isopropanol and perfluorinated polymer); 145 pounds of D002 waste corrosive solids (perfluorooctanoic acid); 187 pounds of D002 waste corrosive liquid, acidic, inorganic (sulfuric acid); 67 pounds of D002, D007, D009, D011 waste corrosive liquids toxic (sulfuric acid, mercury); 103 pounds of D001, D003, D008, D035, F001, F002 waste aerosols, 5,319 pounds of nonhazardous corrosive liquid, acidic, organic (fluorinated organic acid); 318 pounds of nonregulated polymer adhesions with water; 75 pounds of nonregulated lab debris; 433 pounds of nonregulated perfluorinated aliphatic carboxylic acid and perfluoropolyether acid sent to Heritage Environmental on 03/10/2015. Inspectors also reviewed hazardous waste manifest number 005294037FLE, which was for a similar shipment of containers sent to Heritage Environmental on 02/11/2015.

Hazardous waste training records for employees and contractors appeared to be current and complete. Inspectors reviewed the facility's documentation of training, hazardous waste job descriptions, and hazardous waste training requirements.

Inspectors reviewed the Hazardous Waste Contingency Plan, which was included in the July 2015 RCRA Permit. The plan included the required information, and the addresses and telephone numbers of the nine Emergency Coordinators appeared to be current. The inspectors noted that the Contingency Plan referenced a supply of absorbents and over pack salvage drums to be maintained in the less than 90-day hazardous waste storage areas, and an internal public address communication system and emergency alarm network on-site. Inspectors noted that these emergency response tools were not readily identified during the facility tour. It is recommended that steps be taken to highlight this equipment so that it can be readily located in the event of an emergency.

11) Out-Briefing

The inspectors conducted the exit meeting with Mr. Johnson. During this meeting, the inspectors stated their preliminary conclusions of the inspection.

12) Conclusion

Based on the observations made during the inspection, Chemours was in apparent violation with the following requirement:

- 15A NCAC 13A.0012(e) / 40 C.F.R. § 268.50(a)(2)(i) and Permit Condition Part III by failing to mark each container of hazardous waste with the date upon which each period of accumulation begins and failing to mark or label each container with the words, "Hazardous Waste."

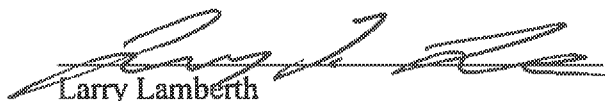
13) Signed

 for

Laurie Benton DiGaetano
Senior Enforcement and Compliance Specialist

9/28/15
Date

Concurrence



Larry Lamberth
Chief, Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

9/28/15
Date